11/14/72

Dear Herb,

Before you can get this, Jim Lesar should have left copies of the Ray habeas corpus petition and several attached memoranda for you and Carl Stern. After you have finished with them, if you have no desire to keep them, please return them instead of throwing them away. This is a shoestring defense. We have no funds at all. We will not have enough copies of these papers to even lend to others who may be interested in reading them, whether or not in the stories I hope will be seen in them.

The poverty of the defense and what despite poverty it produced, especially compared with what produced the need, is one of the switches I hope someone will see in this. Huie milked the cow and skimmed the cream. Percy Foreman kicked the bucket over. We began with an empty, dented bucket.

I have never made public use of the fact that I am Ray's investigator, feeling that to do it did not serve his interest. When he asked me to to promote my own book I refused. It is, of course, known to the government and to prison authorities.

When the prosecution refused me access to the official evidence, after what I had already learned of the character of Ray's "defense", I undertook to get him to ask a lawyer I knew to represent him. I stipulated a few conditions that boil down to an adequate defense and no commercialism of any kind, Bud Fensterwald, believing what I undertook was impossible agreed to these conditions, and without any direct contact with Ray, after a year, accomplished it.

What investigating has been done I did, without income or payment. Jim Lesar, who passed his bars while working on this and has yet to make a courtroom appearance, did the legal work under only slightly better conditions. I could get out to investigate only when something else paid the freight, as when a St. Louis TV station asked me to confront Gerold Frank, or when I had to be in Memphis for a court proceeding. (Returning from that is the first time I saw James Earl Ray. He was then in Petros, near Knoxville.)

Lesar drafted all the papers he will leave for you. I went over them, making suggestions for other inclusions, a few omissions, a few factual corrections, etc. The fact part is mine, the legal his. In both areas we have much more than is included in these papers, length being only one consideration. We do look forward to a day in court and some of the investigations could not be completed. So, we have and know much more than these papers say. It is possible that some might be made available prior to the evidentiary hearing, if it is granted.

I have the originals of the pictures used. We made enough copies for the court's requirements only. I got them under conditions that require a payment of $75.00 each for TV use but with no restrictions on showing, not publication. I have more pictures than these, have seen others I do not have, and know where still others are. I believe the ones I have are close to exculpatory and come close to destroying the official explanation.

I told you I have many hours of Ray on tape. I have many others on tape, too, should any ever be of interest. This includes members of his family and witnesses whose evidence is exculpatory. It also includes the admission of his first lawyer, Arthur Hanes, Sr., that at the time he persuaded Ray to abandon appeal from extradition he had a secret contract with Huie under which payment from Huie was conditional upon Ray's return to the U.S. Political crimes are not extradictable under the treaty. (This is in the papers) It is but one of many irreconcilable conflicts all lawyers were saddled with. The judge knew. He also later said <u>he</u> made a good deal because without it Ray could have been acquitted.

Another switch is, I think, in the allegation that Ray's own lawyers were responsible for the prejudicial publicity. Although he had no copy of his handwritten letter or complaint

to the judge about this, I now have a xerox of Ray's letter. He told the judge that if the judge didn't stop it, he might just as well convict Ray and get it over with because there could be no other result.

I can show Carl xeroxes of enough of the communications between Huie and Ray, all via Ray's lawyer -paid by Huie, not Ray - to raise Carl's legal hackles, if anything can. Two of the letters only are referred to in the papers. We have much more. And while I do not now have it in my possession, "we" have all that Ray sent Huie via Hanes. It is awaiting hand delivery. Although all of this has been available to me for three years, we were without the financial resources to go get it and get it xeroxed. No hanky-panky by us.

If Carl has any questions, I'll be in Washington Monday for an all-morning dental appointment not far from your building. I expect to meet with Lesar after it. The dentist's phone number is WO6-1080. I should be there until close to 11. As Carl will understand, the situation imposses fewer restrictions on me than on lawyers, but Lesar can join us if Carl has any questions by then. I can't make it Tuesday or Wednesday mornings, but I will be at the dentist again Friday morning for what seems like a short visit.

The litarary rights to this work are mine. This is but a technicality for I see no prospect of making anything from them. And what is used in court becomes public domain. My purposes, obviously, were not literary.

I do hope that you, Carl and NBC see in this what I do. If you do, there can be much more in the future. Also, I have carried this much further than my book or these papers. I know what did not happen and what did and more about Foreman, who did no more than salt Ray away. You may recall that he flew to New York to be on TV and then fled the studio when he learned in makeup that he would confront me. That was not because I am the great debater and Foreman is not. Several of these areas can be pretty dangerous. All are not dangerous, however.

Sincerely,

Harold Weisberg